

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

<b>ABU KHALID ABDUL-LATIF,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 5:24-cv-224</b>
	)	<b>Judge Bailey</b>
<b>WARDEN B. BIRKHOLZ,</b>	)	
<b>FCI LOMPOC,<sup>1</sup></b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**RESPONDENT’S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS, OR IN  
THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT**

Now comes the Respondent, by and through counsel, and files this Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment. Respondent respectfully requests this Court to dismiss Petitioner’s pending Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, or in the alternative, grant summary judgment in Respondent’s favor. Respondent’s position in support of this Motion is set forth in the accompanying Memorandum and attachments thereto.

WILLIAM IHLENFELD  
UNITED STATES ATTORNEY.

By: /s/ Jordan V. Palmer  
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<sup>1</sup> Petitioner is currently designated to the Federal Correctional Institution Hazelton, in Bruceton Mills, West Virginia (“FCI Hazelton”). See Find an Inmate, available at <https://www.bop.gov/inmateloc/?os=vb.&ref=app> (last visited December 26, 2024). Heather Ray serves as the Warden at FCI Hazelton, and would be the proper Respondent for the present habeas corpus Petition.

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<b>FCI LOMPOC,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of **RESPONDENT’S MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT** was electronically filed with the Clerk of the Court by using the CM/ECF system on the 7<sup>th</sup> day of January, 2025, which will provide a copy to all counsel of record. The foregoing document has been furnished for delivery via first-class mail to the following non-CM/ECF participant:

Abu Khalid Abdul-Latif  
40739-086  
HAZELTON FCI  
Inmate Mail  
P O BOX 5000  
BRUCETON MILLS, WV 26525

WILLIAM IHLENFELD  
UNITED STATES ATTORNEY.

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